

AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF RENTALSThe State of WEST VIRGINIA,County of MARSHALL,

Beth Ann Clegg, of lawful age, being first duly sworn, upon oath deposes and says:

That he is (was) the owner of all or part of the oil, gas and other minerals in or under the lands referred to in that certain oil and gas mining lease dated the 26th day of October, 1899, and which lease is recorded in Book 63, at page 478 of the records of Marshall County, State of West Virginia, which lease covers the following described lands:

1.3230 acres in Union District Tax map # 6 parcels # 32 and 28.3

That since the date of said lease there has been no well drilled upon said lands, nor any oil or gas produced therefrom.

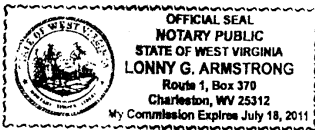
That on or before the 24th day of September, 2009, under the terms of said lease, delay rentals were payable to affiant or to affiant's credit in the depository named in such lease on account of affiant's interest therein, the payment of which was necessary in order to keep the above lease in force and effect. Affiant hereby states that the above payment has never been made to affiant or to affiant's representatives, in money or otherwise, nor has same been deposited to affiant's credit in the depository bank.

Affiant further states that said lease is not expired and that affiant will not, by acceptance of rentals, or in other manner, recognize the same as a valid and existing lease.

Further affiant sayeth not.

Beth Ann Clegg
Beth Ann Clegg

Subscribed and sworn to before me this 24th day of September, 2009.



Lanny G. Armstrong
Signature/ Notary Public

My commission Expires: July 18, 2011

Name/ Notary Public(print): Lanny G. Armstrong

Jan Pest
MARSHALL County 11:46:44 AM
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STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 24th day of September, 2009, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 21st day of December, 2009 at 11:46 o'clock A.M.

TESTE: Jan Pest Clerk.